

# **EXHIBIT A**

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF MOUNTRAIL

NORTH CENTRAL JUDICIAL DISTRICT

Civil No. \_\_\_\_\_

Rachel Hein,

Plaintiff,

v.

Okland Construction Company, Inc.,

Defendants.

**SUMMONS**

THE STATE OF NORTH DAKOTA TO THE ABOVE-NAMED DEFENDANT:

[1] You are hereby summoned and required to appear and defend against the Complaint in this action, by serving upon the undersigned an Answer or other proper response within twenty (21) days after the service of this Summons upon you, exclusive of the day of service. If this Summons is personally served on you, a copy of the Complaint is attached and is herewith served on you. If this Summons is served on you by publication, the Complaint has been filed with the Clerk of Court. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

Dated this 26th day of October, 2018.

SCHWEIGERT, KLEMIN & McBRIDE, P.C.  
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BY:

  
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Plaintiffs,

v.

Okland Construction Company, Inc.,

Defendant.

**COMPLAINT AND DEMAND  
FOR TRIAL BY JURY**

[1] COMES NOW the Plaintiff, Rachel Hein, by and through counsel, Schweigert, Klemin & McBride, P.C., and for her complaint says and shows to the Court as follows:

[2] The Plaintiff, Rachel Hein (hereinafter "Hein") is a resident of Burleigh County, Baldwin, North Dakota.

[3] The Defendant, Okland Construction Company, Inc., (hereinafter "Defendant") is a construction company that is incorporated and has its primary place of business in Salt Lake City, Utah.

[4] On or about October 3, 2015, Plaintiff was a guest at 4 Bears Casino & Lodge (hereinafter "Casino"). Around 9:00 p.m. on October 3, 2015, Plaintiff was walking to her vehicle in the Casino's parking lot when she was struck by a vehicle. At the same time and place, the Casino was undergoing construction performed by the Defendant and the street lights were turned off. The Defendant did not use any other permanent or temporary lighting structures to light their construction site. Defendant failed to implement a lighting system that would adequately illuminate their construction site.

[5] Defendant's failure to provide proper lighting in an area designed and designated for automobile parking for the Casino's customers to use to access the establishment was negligent and a breach of the standard of care owed to the invited guests of the property.

[6] As a result of the failure of the Defendant to properly manage and maintain sufficient lighting in their construction site, Plaintiff sustained serious and severe injuries including but not limited to traumatic subarachnoid hemorrhage, subdural hematoma, multiple fractures, and a traumatic brain injury.

[7] As a direct and proximate result of the negligence and carelessness of Defendants, Plaintiff has suffered and will in the future suffer economic damages including but not limited to medical expenses and loss in an amount to be shown and proven at trial.

[8] As a direct and proximate result of the negligence and carelessness of the Defendants, Plaintiff has suffered and will in the future suffer non-economic damages, including but not limited to, pain, suffering, mental anguish, permanent impairment, and emotional distress in a reasonable sum but not less than \$50,000.00.

[9] WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

1. That Plaintiff Hein be awarded past and future economic damages in such proper compensatory amounts as will be proven at trial;
2. That Plaintiff Hein be awarded a reasonable sum of past and future non-economic damages to be shown and proven at trial but not less than \$50,000.00;
3. That Plaintiff be awarded interest on her damages at the statutory

rate;

4. That Plaintiff be awarded her attorney's fees, costs, and disbursements, together with such other relief as the Court deems just and equitable.

Dated this 21<sup>st</sup> day of October, 2018.

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BY:

A handwritten signature in black ink, appearing to read 'DD Schweigert', is written over a horizontal line.

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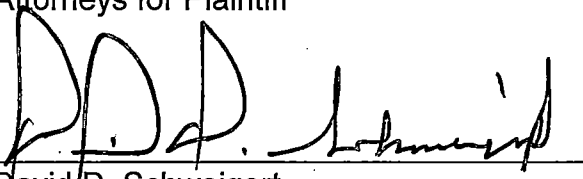
**DEMAND FOR TRIAL BY JURY**

The Plaintiff, Rachel Hein, hereby demands a trial by jury of nine (9) people on all triable issues.

Dated this 24th day of October, 2018.

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